

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

ANTHONY J. DAVIS,	:	
	:	Civil Action No. 4:07-CV-01215
Plaintiff,	:	
	:	
v.	:	(Judge McClure)
	:	
JAMES J. LARSON, et al.,	:	
	:	
Defendants.	:	(Magistrate Judge Smyser)

O R D E R

September 15, 2008

BACKGROUND:

On July 5, 2007, plaintiff Anthony J. Davis, proceeding pro se, filed a complaint pursuant to 42 U.S.C. § 1983.

The matter was initially referred to United States Magistrate Judge J. Andrew Smyser.

On August 22, 2008, the magistrate judge filed a three page report and recommendation which recommended that plaintiff's amended complaint be dismissed for failure to prosecute under Rule 41(b) of the Federal Rules of Civil Procedure. (Rec. Doc. No. 23.) Specifically, the magistrate judge noted that plaintiff had sent defense counsel a motion to dismiss, but had not filed the motion

with the court. In response, the magistrate judge ordered plaintiff to show cause why the case should not be dismissed. Plaintiff has not shown cause why the case should not be dismissed. Additionally, the last two orders and the most recent report and recommendation were all returned to the court as undeliverable. The first order that was returned to the court indicated that the plaintiff had been released. (Rec. Doc. No. 15.) The plaintiff has not kept the court informed of his current address as required by Local Rule 83.18, Rules of Court, M.D. Pa.

No objections have been filed to the magistrate judge's report and recommendation. Because we agree with the magistrate judge's analysis that the action should be dismissed pursuant to Rule 41(b) and because plaintiff has not filed any objections, we will adopt the magistrate judge's report and recommendation in its entirety. Plaintiff has clearly abandoned this action and dismissal is appropriate under Rule 41(b).

NOW, THEREFORE, IT IS HEREBY ORDERED THAT:

1. United States Magistrate Judge J. Andrew Smyser's Report and Recommendation is adopted in full. (Rec. Doc. No. 23.)
2. The amended complaint is DISMISSED for failure to prosecute.

3. The clerk is directed to close the case file.

/s James F. McClure, Jr.
James F. McClure, Jr.
United States District Judge